

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

ANTHONY J. BRODZKI,

Plaintiff,

vs.

CITY OF LAS VEGAS,

Defendant.

2:11-CV-01953-PMP-GWF

ORDER

On February 10, 2012, the Court received a Referral Notice (Doc. #9) from the United States Court of Appeals for the Ninth Circuit for the limited purpose for determining whether Plaintiff's in forma pauperis status should be continued or appealed, or whether the appeal is frivolous or taken in bad faith. For the reasons set forth in the Order and Findings and Recommendations of the United States Magistrate Judge (Doc. #2) filed January 3, 2012 and Affirmed by the undersigned (Doc. #4) on January 30, 2012, this Court finds that Plaintiff's action is entirely frivolous and fails to state a claim upon which relief may be granted. Because the Court finds the facts alleged in Plaintiff's complaint to be wholly incredible, the Court concludes that the instant appeal is frivolous and that Plaintiff's request to proceed in forma pauperis should be denied.

IT IS SO ORDERED.

DATED: February 17, 2012.



PHILIP M. PRO
United States District Judge